

RESOLUTION TITLE: ZONING MAP CHANGE: REZ-22-11-28-00134, RANDY KINCAID (APPLICANT); PROPERTY PARCEL: 163196 (NEW 308822, 308821, 308820), LOCATED ON EAKER RD., BESSEMER CITY, NC, REZONE FROM (R-1) SINGLE FAMILY LIMITED TO THE (R-2) SINGLE FAMILY MODERATE

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on January 24, 2023 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s):	163196 (new 308822, 308821, 308820)
Applicant(s):	Randy Kincaid
Owner(s):	Randy Kincaid
Property Location:	Eaker Rd., Bessemer City
Request:	Rezone from (R-1) Single Family Limited to the (R-2) Single Family Moderate

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS, the Planning Board recommended approval of the map change for parcel ID163196 (new 308822, 308821, 308820), located on Eaker Rd. in Bessemer City, NC, from (R-1) Single Family Limited to the (R-2) Single Family Moderate on January 9, 2023 based on: staff recommendation; and the request is reasonable and is in the public interest and the request is in accordance with the County's Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set back from the roads they front upon.

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NO.	DATE	M1	М2	CBrown	CCloninger	AFraley	BHovis	KJohnson	Tkelgher RWorley	Vote
2023-007	01/24/2023	BH	AF	Α	А	Α	А	Α	A	U
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Zoning Map Change: REZ-22-11-28-00134, Randy Kincaid (Applicant); Property Parcel: 163196 (new 308822, 308821, 308820), Located on Eaker Rd., Bessemer City, NC, Rezone from (R-1) Single Family Limited to the (R-2) Single Family Moderate Page 2

- NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:
 - The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set back from the roads they front upon.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 163196 (new 308822, 308821, 308820), is hereby approved, effective with the passage of this Resolution.

2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

Chad Brown, Chairman Gaston County Board of Commissioners

ATTEST:

GASTON COUNTY REZONING APPLICATION (REZ-22-11-28-00134) STAFF REPORT

APPLICATION SUMMARY					
Request:					
General Rezoning					
Applicant(s):	Property Owner(s):				
Randy Kincaid	Randy Kincaid				
Parcel Identification (PID):	Property Location:				
163196 (new 308822/308821/308820)	Eaker Rd				
Total Property Acreage:	Acreage for Map Change:				
7.34	7.34				
Current Zoning:	Proposed Zoning:				
R-1	R-2				
Existing Land Use:	Proposed Land Use:				
Vacant	Vacant / residence				

COMPREHENSIVE LAND USE PLAN

Area 1: Rural Gaston

Key issues for citizens in this area include - Preservation of open space, Road improvements and better connectivity to other areas of the County and throughout the region, Increased job opportunities, Preservation of agriculture and maintaining the rural "feel" of the community, Repurpose vacant buildings and facilities for new economic opportunities, Steer development towards existing infrastructure.

Comprehensive Plan future Land Use:

Rural– Rural areas are areas characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusinesses. Residential homes are located on large lots and are set back from the roads they front upon.

Staff Recommendation:

Application, as presented, is consistent with the Comprehensive Land Use Plan.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE

Water/Sewer Provider:

Private well / private septic

Road Maintenance:

North Carolina Department of Transportation

Technical Review Committee (TRC) comments provided by Gaston Lincoln Cleveland Metropolitan Planning Organization (MPO)

See attached.

STAFF SUMMARY

Prepared By: Laura Hamilton, Land Use Coordinator

This property is in a residential area in the northwestern region of the county. The location is primarily residential in nature with different housing types and styles included.

If approved, any uses allowed in the (R-2) Single Family Moderate Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

PLANNING BOARD RECOMMENDATION

The Planning Board met in regular session on January 9, 2023, and unanimously recommended approval of this request based on the following:

The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets the goal of residential homes being located on large lots and are set back from the roads they front upon.

Attachments: Application, GCLMPO Comment Letter, Allowed Uses in the (R-2) Zoning District, Maps

eren a	COUNTA	<u>GAS</u>	TON	COUN	VTY	Departmei	nt of Planning &	Developm	nent Services
A CA	1848 0	Street Ade Mailing A	dress: Address:	128 W. Mai P.O. Box 1	n Avenue, 578, Gasto	onia, N.C. 2805		Fax: (704) 866-3195 704) 866-3966
GE	NERAL	REZON	IING A	PPLICAT	'ION	Applica	tion Number	: Z ^{RE2}	22-11-28- 00 134
Appl	licant 🕅	Planni	ng Board	(Administrati	ve) 🗍	Board of Co	ommission (Admini	strative) 🗌	
Α.	*APPLIC								
	Name of A	Applicant:	RA	NDY	STEV	EN KI	NCAID		
	Mailing Ac	dress:	252	3 Burt	on Fa	(Print Full N States Li Include City, State	IN CAID lame) and Zip Code) 70 4 (Are	Nten, L	10 28092
	Telephone	e Numbers	: _70	(Area Code) Bu	7 . <u>883</u> Isiness <i>Ce</i>	ව 211	·704 (Are	- 718 a Code) Home	3944
	Email:					an waan aan ahaa ahaa ahaa			
con	isent form fro	m the prope	rty owner(are not the san s) or legal repr reverse side of	esentative a	uthorizing the Re	aston County Zoning ezoning Application.	Ordinance rec Please comple	puires written ete the
В.	OWNER								
	Name of C	Dwner:	Gà	me	****	(Print Full N	lame)		
	Mailing Ac	ldress:				(Eurorean o	ianie)		
	_				(1	Include City, State	and Zip Code)		
	Telephone	e Numbers	•	(Area Code) Bu	Isiness		(Are	a Code) Home	
	Email:								
С.	PROPEI Physical A	RTY INFO	DRMAT General	<u>ION</u> Street Locatio	n of Prope	rty: <u>EA</u>	Ker Rd	NNONTHI I I I I I I I I I I I I I I I I I I	
	Parcel Ide	ntification	(PID):	16319	76	н — — — — — — — — — — — — — — — — — — —			
	Acreage c	of Parcel:	7.34	+/- Acreag	e to be Re	zoned: 734	/ +/- Current Zo	oning:	21
#000007700000027200	Current U	se:	VÁG	ant			ed Zoning:		22
D.	PROPE	RTY INFO	ORMAT	ION ABOU		IPLE OWNE	RS		
	Name of Pro	perty Owner:		ê S		Name of Pr	operty Owner:		
	Mailing Add	ress:				Mailing Add	Iress:		
			(Include	City, State and Zip Co	de)			nclude City, State and	Zip Code)
	Telephone:	(Area Code)	<u></u>	·		Telephone:	(Area Code)		
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			(Signatu	re)			(Sign	pature)	

See Reverse Side For Completion of Additional Sections

E. AUTHORIZATION AND CONSENT SECTION

(Signature)

(Signature)

(Date)

(Date)

_____, a Notary Public of the County of ______

 State of North Carolina, hereby certify that_____

 personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

 Witness my hand and notarial seal, this the ______ day of ______, 20_____.

Notary Public Signature

1,

Commission Expiration

(I/We), also agree to grant permission to allow employees of Gaston County to enter the subject property during reasonable hours for the purpose of making **Zoning Review**.

Please be advised that an approved general rezoning does not guarantee that the property will support an on site wastewater disposal system (septic tank). Though a soil analysis is not required prior to a general rezoning submittal and/or approval, the applicant understands a chance exists that the soils may not accommodate an on site wastewater disposal system thus adversely limiting development choices/uses unless public utilities are accessible.

If the application is not fully completed, this will cause rejection or delayed review of the application. In addition, please return the completed application to the Planning and Development Services Department within the County Administrative Building located at 128 West Main Avenue, Gastonia, NC 28052.

APPLICATION CERTIFICATION

(I,We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the subject application and any applicable documents is true and accurate.

Signature of Property Owner		11-22-2022 Date
Note: Approval of this request d	es not constitute a zoning perm	nit. All requirements must be met within the UDO.
OFFICE USE ONLY	OFFICE USE (ONLY OFFICE USE ONLY
Date Received: 11-28-3-2	Application Number:	62-22-11-28- OFFICE USE ONLY 62-22-11-28- 7-93 00034 Fee: 7-93
Received by Member of Staff:		Receipt Number:
COPY OF PLOT	PLAN OR AREA MAP	COPY OF DEED
	HORIZATION	PAYMENT OF FEE
Date of Staff Review:		Date of Public Hearing:
Planning Board Review:	Recommendation	n: Date:
Commissioner's Decision:		_ Date:
	Mission Statement	Like effective efficient and affortable services leading to a safe

Saston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a secure and bealthy community, an environment for economic growth, and promote a favorable quality of life.



Post Office Box 1748 Gastonia, North Carolina 28053 Phone (704) 866-6980 150 South York Street Gastonia, North Carolina 28052 Fax (704) 869-1960

Memorandum

То:	Jamie Mendoza Kanburoglu, Director of Planning and Zoning/					
	Building & Development Services					
From:	Julio Paredes, Planner					
Date:	December 7, 2022					
Subject:	GCLMPO Rezoning Review – Eaker Rd REZ-22-11-28-00134					

Thank you for the opportunity to provide comments on a proposed rezoning within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on review of the site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at Eaker Rd. in Cherryville. Parcel ID# 163196. On behalf of the GCLMPO, I offer the following comments:

- 1. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
- 2. Neither the GCLMPO 2050 Highway MTP nor Highway CTP include any proposed improvements to any streets adjacent to the subject property.
- 3. Please note that for any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the property owner/developer should work with NCDOT on any required driveway permits or any TIA requirements.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or juliop@cityofgastonia.com.

Allowed Uses In (R-2) Zoning District

X = Permitted use by right; CD = Condition required; E = Existing use subject to limitat Use	nal Zoning ions; SP = R-2
Animal Grooming Service for household pet (indoor kennels)	SP
Animal Hospital (Outdoor kennel)	SPs
Animal Hospital, (Indoor kennel)	SPs
Animal Kennel	SPs
Automobile Hobbyist	Xs
Bed and Breakfast Inn	SPs
Bona Fide Farms	Xs
Botanical Garden	Xs
Camping and Recreational Vehicle Park	SPs
Cemetery	SPs
Church / Place of Worship	Xs
College / University	SP
Conference / Retreat / Event Center	SPs
Continuing Care Facility	SPs
Country Club	SPs
Day Care Center, Class A	Xs
Day Care Center, Class B	Xs/SPs
Day Care Center, Class C	SPs
Dwelling, Manufactured Home Class A	х
Dwelling, Manufactured Home Class C	Es
Dwelling, Manufactured Home Class D	Es
Dwelling, Single Family	Х
Dwelling, Two Family	Xs
Essential Services Class 1	Х
Essential Services Class 2	Xs
Essential Services Class 3	SP
Essential Services Class 4	Xs/SPs
Family Care Home	Xs/SPs
Flex Space	Xs
Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0 - 9,999sqft GFA	SPs
Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+sqft GFA	SPs
Golf Course; Golf Driving Range; Golf Miniature	SPs
Group Home	Xs
Home Occupation, Customary	Xs
Home Occupation, Rural	Xs
Library	SP

L	
Manufactured Home Park	Es
Marina, Accessory	Xs
Marina, Commercial	SP
Maternity Home	Xs/SPs
Military Reserve Center	SPs
Museum	SP
Nursery (Garden)	SPs
Nursing Home, Rest Home	SPs
Paint Ball / Laser Tag Facility	SPs
Park	Xs/SPs
Parking Lot	SPs
Planned Residential Development	
(PRD)	Xs/CDs
Planned Unit Development (PUD)	Xs/CDs
Private Residential Quarters	Xs
(PRQ)	
Produce Stand	Xs
Recreation Center and Sports Center	SPs
Recycling Deposit Station,	х
accessory	^
Recycling Deposit Station, principal use	SPs
Restaurant, within other facilities	Xs
Riding Stables	SPs
Rodeo / Accessory Rodeo	SPs
School for the Arts	SP
School, Elementary & Middle	Xs
(public & private) School, Senior High (public &	
private)	Xs
Small House Community	SP
Special Events Facility	SPs
Special Events Facility, Accessory	SPs
Stadium	Xs/SPs
Taxidermy	Х
Telecommunication Antennae & Equipment Buildings	Xs
Telecommunication Tower &	SPs
Facilities	
Tourist Home	Х
Tower and/or Station, Radio & Television Broadcast	SPs
Traditional Neighborhood	
Development (TND)	Xs/CDs
Wood Waste Grinding Operation	SPs
Zoo	SP
	0.





Although strict accuracy standards have been employed in the compilation of this map, Gaston County does not make or imply any warrandees or assume any responsibility for the information presented on this map or its use.

This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 132-10.

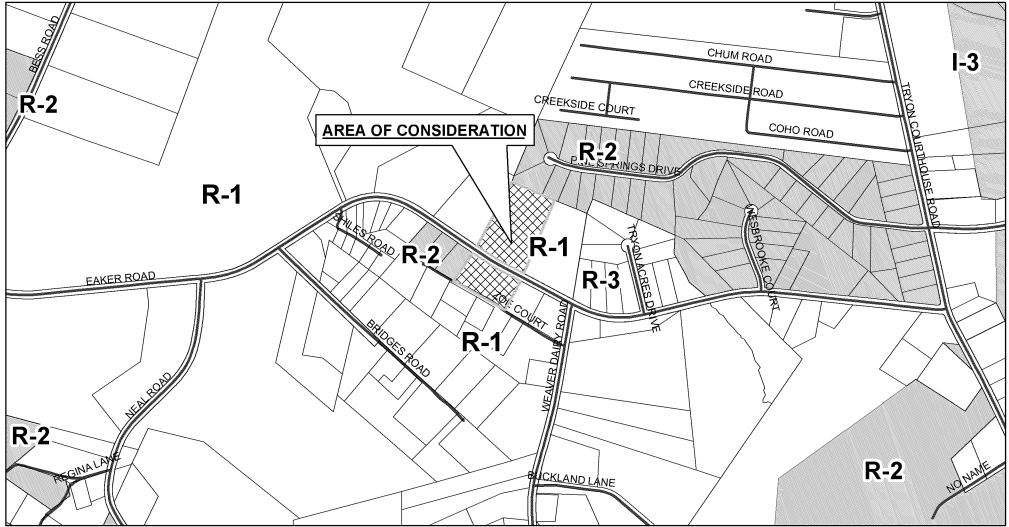


0 2,750 5,500 11,000 Feet



REZ-22-11-28-00134

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



This map is intended for use by the Gaston County Board of Commissioners, in the review of rezoning requests.

Property parcels, zoning, transportation and other map information were compiled from one or more data layers. The data is periodically updated, however all data layers may not be displayed. Street names are subject to change.

Gaston County does not make or imply and warranties or assume any responsibility for the information presented on this map. This map was prepared by the Building & Development Services Department.

This map is for zoning purposes only - Not to be used for conveyance.

Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is undedicated and removed, areas with different zoning types will meet in the center of the area.





GASTON COUNTY REZONING REVIEW MAP

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R-1 Single Family Limited R-2 Single Moderate I-3 General Industrial R-3 Single Family General

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1.000



2.000 Feet

REZ - 22-11-28-00134 Applicant: Randy Kincaid Owner: Randy Kincaid

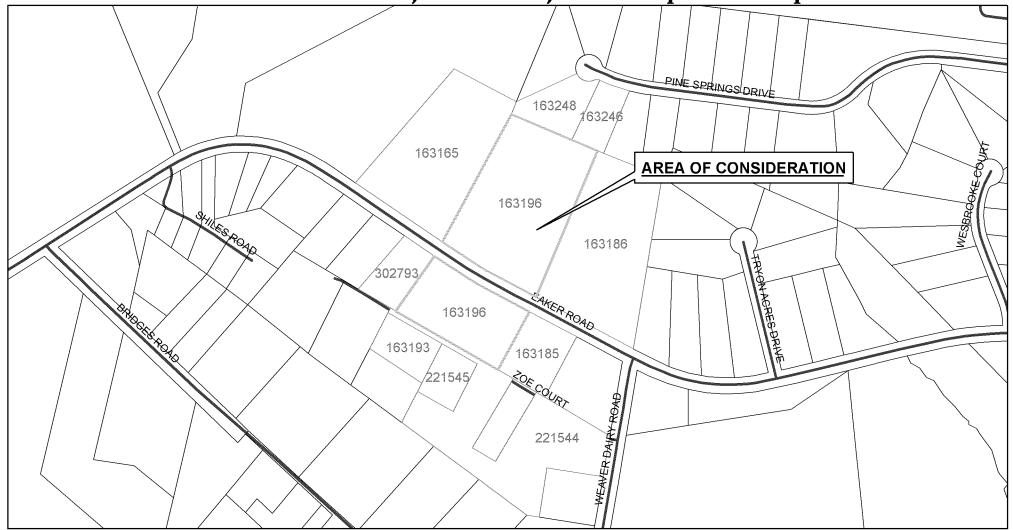
PID: 163196 (new 308822/308821/308820)

Existing Zoning: R-1

Proposed Zoning: R-2

Map Date: 11/30/22

REZ-22-11-28-00134 Subject and Adjacent Properties Map



AKPAR	CURR_NAME1	CURR_NAME2	CURR_ADDR1	CURR_CITY	CURR_	CURR_ZIPC	(PHYSSTRADD
163185	TINDALL ANDREW JOSEPH	TINDALL JENNIFER KISER	311 EAKER RD	BESSEMER CITY	NC	28016	311 EAKER RD
163246	MCCURRY MONTE K	MESHELL SUZETTE R	5145 PINE SPRINGS DRIVE	BESSEMER CITY	NC	28016	5145 PINE SPRINGS DR
163165	WALLACE WILLIAM P	WALLACE DONNA GARRETT	340 EAKER RD	BESSEMER CITY	NC	28016	340 EAKER RD
163248	M & W INDUSTRIES INC		PO BOX 8	LITTLE RIVER	SC	295660008	5151 PINE SPRINGS DR
302793	JOHNSON DAVID L JR		337 EAKER ROAD	BESSEMER CITY	NC	28016	337 EAKER RD
163186	STUBBLEFIELD WILLIAM BRUCE	STUBBLEFIELD LYNN W	308 EAKER RD	BESSEMER CITY	NC	280160000	308 EAKER RD
163193	SANCHEZ CANDY R NAVARRO		1235 ZOE CT	BESSEMER CITY	NC	280169424	1235 ZOE CT
163196	KINCAID RANDY STEVEN	KINCAID BRENDA A	1915 TRYON COURTHOUSE RD	BESSEMER CITY	NC	28016	EAKER RD
221544	MIDGETT JAMES CUTHBERT	MIDGETT SHANNON GAIL	1231 ZOE CT	BESSEMER CITY	NC	28016	ZOE CT
221545	RAY BOBBY G	RAY MARY C	511 WEAVER DAIRY RD	BESSEMER CITY	NC	280166609	1223 ZOE CT



Building and Development Services

Board Action

File #: 22-556

Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-22-11-28-00134, Randy Kincaid (Applicant); Property Parcel: 163196 (new 308822, 308821, 308820), Located on Eaker Road in Bessemer City, NC, Rezone from (R-1) Single Family Limited to (R-2) Single Family Moderate

STAFF CONTACT

Laura Hamilton - Land Use Coordinator - 704-866-3090

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Randy Kincaid (Applicant); Property Parcel: 163196 (new 308822, 308821, 308820), Located on Eaker Road in Bessemer City, NC, Rezone from (R-1) Single Family Limited to (R-2) Single Family Moderate. A public hearing was advertised and held on January 24, 2023 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on January 9, 2023, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the map change.

ATTACHMENTS

Resolution, Staff Report & Application Packet

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	. Buff, Clerk t he Board of C					ereby cert	ify that the	above is a true and correct copy of action
NO.	DATE	M1	М2	CBrown	CCloninger	[.] AFraley	BHovis	KJohnson TKeigher RWorley Vote
2023-007	01/24/2023	BH	AF	Α	А	Α	Α	A A U
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